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Johathan Cox

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT

PAPER NUMBER

2442

MAIL DATE

DELIVERY MODE

11/22/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**ADVISORY ACTION**

***Response to Arguments***

Applicant's arguments filed 11/12/2010 have been fully considered but they are not persuasive. The applicant's specification does not preclude a gateway from reading on the applicant's claimed "host". The applicant pointed to page 1, lines 6-8 and page 3, lines 26-29 of the applicant's specification in order to make the case that the gateways cited in the rejection cannot be relied upon to show the claimed host.

Page 1, lines 6-8:

Systems of the invention employ peer-to-peer and centralized server networking to enable POTS/PSTN/PBX phone lines to be shared with other users of the system over the Internet.

This statement does not put "peer-to-peer" in any sort of context. A gateway can employ peer-to-peer networking. Page 1, lines 6-8 does nothing to distinguish the claimed host from a gateway.

Page 3, lines 26-29:

No hardware, beyond a personal computer with a voice modem, is required for an individual **to set up** a BPLAP. Only an available phone line and a software download are necessary to become part of, and start using, the system.

This citation does not limit a host or BPLAP to a personal computer. To the contrary, this citation implies that a host or BPLAP is something other than a personal computer because the personal computer is used to "set up" the BPLAP.

Page 3, lines 14-16:

Art Unit: 2442

No additional hardware, besides a personal computer with a voice modem, is required for a BPLAP. The system provides a number of features and operations.

This states that a BPLAP can be a personal computer but it does not limit the BPLAP or the claimed host to a personal computer. Instead this citation only provides an example of how a host can be implemented. No additional hardware may be *required* but it can certainly be used according the broad, open-ended nature of the applicant's disclosure.

The applicant's specification does not define and in no way limits the claimed host and therefore the interpretation provided in the rejection is proper. If the applicant had intended for the claimed host to cover a personal computer, then the applicant should have explicitly defined the host to be a personal computer or specifically claimed a personal computer.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2442

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/  
Primary Examiner, Art Unit 2442